

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA**

**HEARING OFFICER DIRECTIVE**

**DOCKET NO. 2019-281-S ORDER NO. 2020-56H**

**JUNE 22, 2020**

**Hearing Officer: David Butler**

**DOCKET DESCRIPTION:**

**Application of Palmetto Utilities, Incorporated for Adjustment (Increase) of Rates and Charges, Terms and Conditions, for Sewer Service Provided to Customers in Its Richland and Kershaw County Service Areas**

**MATTER UNDER CONSIDERATION:**

**Palmetto Utilities, Incorporated's Motion to Strike Portion of Intervenor Lisa Levine's Pre-Hearing Brief/Testimony and Exhibits**

**HEARING OFFICER'S ACTION:**

**On June 17, 2020, the Commission issued a directive denying Palmetto Utilities, Inc.'s ("PUI's") motion to dismiss Ms. Levine's petition to intervene in this case, or, alternatively, to strike Ms. Levine's pre-hearing briefs as amended and preclude the presentation of her testimony. Further, the Commission directed that Ms. Levine's prehearing briefs and exhibits as amended shall constitute her pre-filed testimony and exhibits, but further held that these documents are subject to objection and must be based on her personal knowledge to be admitted into evidence. On June 19, 2020, PUI filed a Motion to Strike Portions of Ms. Levine's Pre-hearing Briefs/Testimony and Exhibits. On June 22, 2020, Ms. Levine filed a Response to PUI's Motion to Strike. I would note that, despite the title of PUI's Motion, the contents of the Motion addressed the document primarily as "testimony."**

**In Ms. Levine's response, she states that she did not file her pre-hearing brief as testimony, did not title it as testimony, and, in fact, did not intend to testify. Further, Ms. Levine specifically responds by stating that she "will not present testimony or testify during the June 30, 2020 hearing."**

**PUI's Motion to Strike is moot, since Ms. Levine has specifically stated that she did not intend her pre-hearing brief to be testimony, and she does not intend to present testimony or testify during the hearing in this case. As Ms. Levine further states, and I agree, this does not preclude her from cross-examining witnesses just like the other parties, from presenting an opening and/or closing statement, and participating in any oral arguments during the case. This ends the Hearing Officer's Directive.**